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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,926	03/15/2000	Richard A. Smith	62-184	9870

7590 05/06/2004
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EXAMINER

DINH, DUNG C

ART UNIT PAPER NUMBER

2153

22

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/525,926

Applicant(s)

SMITH ET AL.

Examiner

Dung Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-50 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 and 32-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 20-31 and 39-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>21</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/24/04 have been fully considered but they are not persuasive.

Applicant argued that Bunney does not teach system with mobile wireless device and wireless gateway server. Applicant asserted that Bunney system is limited to a server that is hardwired to the user terminals. The argument is not persuasive because nowhere in Bunney teaching is there a disclosure that limits the system to a hardwired connection between the server and the user terminals. On the contrary, Bunney discloses the end user terminal can be telephones, televisions and personal digital assistant devices [col.3 lines 18-21]. Hence, Bunney clearly does not limit the type of connection between the server and the user terminals. Bunney merely requires that the user terminals have a connection to the Internet so as to able to connect to Bunney's server 1 [see fig.1 and fig.5]. How the user terminals are connected to the Internet is not Bunney's invention. It is inherent that the user terminals would be connected to the Internet via any conventional means available to them.

Although Bunney does not specifically disclose a wireless gateway, in fig.5 Bunney specifically shown a telephone device 3

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connected to the server 1. It is well known in the art that a telephone device is connected to the Internet via a wireless gateway associated with the device's provider. Hence, the wireless gateway is inherent in the teaching of Bunney in order for the telephone device to connect to the Internet.

Bunney invention is to provide a chat proxy server 1 that is situated between the user terminals and the IRC server 40 [see fig.5]. The user terminal device is connected to proxy server 1 via the Internet. Hence, when the user terminal is a telephone device, clearly the chat proxy server 1 would be situated between the wireless gateway associated with the telephone device and the IRC server 40. Just as for a 'hardwired' connection, the proxy server 1 would be situated between user's Internet Service Provider and the IRC server 40.

As per the WebTV USENET article, the article clearly has the creation date stamp from the posting server as "Mon Oct 18 19:31:59 1999 GMT" indicating the article was posted, hence was publicly available, on October 18, 1999. The article is retrievable from Google.com's Groups archive.

As per the argument that modifying a hardwired system with a wireless system would made the combination inoperative. The argument is not persuasive because the teaching of WebTV and Bunney references are applicable regardless of how the user

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terminal is connected to the Internet. There is nothing in the teaching of translating IRC data submitted to an IRC server that would suggest the system can only function for user terminal that is connected via a hardwired connection. The system will function so long as the user terminal device is connected to the Internet, via any means available to it.

Claims 1-12, 20-31, 39-50 are rejected as stated in the prior office action (paper #19).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).



Dung Dinh
Primary Examiner
April 28, 2004